

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America LLC,

Plaintiff,

v.

TAMANA HOLDINGS, LTD.,

Defendant.

US District Case No. 12-CV-426-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80111-PCW 11

DEFAULT JUDGMENT

This Court having previously entered an Order of Default against Defendant Tamana Holdings, Ltd. (Ct. Rec. 13), and having reviewed the previously filed Memorandum of Authorities (Ct. Rec. 11), and the Affidavits of Curtis Frye and Daniel J. Gibbons in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

DEFAULT JUDGMENT- 1

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff,  
2 Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS  
3 America, LLC, shall have a judgment against the Defendant Tamana Holdings, Ltd., as  
4 follows:

5 1. Monetary Judgment in the amount of CAD \$601,562.51, pursuant to 11  
6 U.S.C. § 550 and RCW 19.40.071;

7 2. Transfers in the amount of CAD \$541,312.51 made to the Defendant  
8 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff  
9 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
10 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

11 3. Transfers in the amount of CAD \$60,250.00 made to the Defendant  
12 more than four years prior to the Petition Filing Date should be avoided and  
13 Plaintiff should be authorized to take all necessary action to preserve the same,  
14 pursuant to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

15 4. All said transfers to Defendant Tamana Holdings, Ltd. are hereby set  
16 aside and Plaintiff shall be entitled to recover the same, or the value thereof, from  
17 Defendant Tamana Holdings, Ltd. for the benefit of the estate of LLS America,  
18 pursuant to 11 U.S.C. §§ 544, 550 and 551;

19 5. All proofs of claim of the Defendant which have been filed or  
20 brought or which may hereafter be filed or brought by, on behalf of, or for the  
21 benefit of Defendant Tamana Holdings, Ltd. or its affiliated entities, against the  
22 Debtor's estate, in this bankruptcy or related bankruptcy proceedings, are hereby  
23 disallowed and subordinated to the monetary judgment granted herein and  
24  
25  
26  
27  
28

1 Defendant Tamana Holdings, Ltd. shall not be entitled to collect on its proof of  
2 claim (Claim No. 748-1) until the monetary judgment is satisfied by Defendant  
3 Tmana Holdings, Ltd. in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and  
4 105(a);

5  
6 5. A constructive trust is hereby established over the proceeds of all  
7 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

8 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of  
9 \$250.00 USD, for a total judgment of CAD \$601,562.51, plus \$250 USD, which  
10 shall bear interest equal to the weekly average of one-year constant maturity  
11 (nominal) treasury yield as published by the Federal Reserve System.

12  
13 The District Court Clerk is directed to enter this Order, enter Judgment  
14 accordingly, provide copies to counsel and pro se Defendant, and close this case.  
15

16 **DATED** this 20th day of August 2013.

17  
18 s/ Rosanna Malouf Peterson  
19 ROSANNA MALOUF PETERSON  
20 Chief United States District Court Judge  
21  
22  
23  
24  
25  
26  
27  
28